

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisons Department-OA No.8449/2003- Smt.Basheera Begum, Jailor (Women) and Smt T.Venkata Lakshmi, Jailor (Women), Special Prison for Women, Hyderabad - Extension of probation and fixation of commencement of probation – Orders – Issued.

HOME (PRISONS) DEPARTMENT

G.O.Rt.No. 1620

Dated:05-09-2012

Read the following:

1. G.O.Ms.No.184, Home (Pri.A) Dept, dt.05-07-2003.
2. From the Hon'ble APAT,Hyd,Orders, dated 09-08-2004 in OA.No.6435/2003 & 6452/2003.
3. Govt.Memo No.30526/Pri.A/A1/2003-5&6, dt.18-11-2004 and 19-11-2004.
4. From Smt.Basheera Begum explanation, dated. 13.12.2004 & 22-12-2004.
5. From the Hon'ble APAT, Hyderabad Orders dt.16-03-2005 in OA No.8449/2003.
6. From the Director General of Prisons and Correctional Services, A.P., Hyderabad, letter dated 06-06-2011, 17-05-2011.
7. From the Hon'ble APAT interim orders in OA No.5582/2012, dated 16-07-2012. .

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ORDER:

Whereas orders were issued in the reference 1st read above for extension of commencement of probation in respect of Smt.Basheera Begum, Jailor (Women), Special Prison for Women, Hyderabad and Smt. T.Venkata Laxmi w.e.f. 27-07-2000 and 27-01-2000 as they have not passed the requisite Departmental Test within the Probation period.

2. In the reference second read above, the Hon'ble APAT, Hyderabad in OA No.s. 6435/2003 & 6452/2003 have set aside the Government orders issued vide reference 1st read above. Consequently a show cause notice was issued to the above two officers as to why their period of probation should not be extended in terms of rule-16[h] of APSSS Rules,1996. Smt.Basheera Begum has filed her explanation through the reference 4th read above and also filed an OA No.8449/2003. The Hon'ble Tribunal vide ref.5th read above has set aside the orders issued in the reference 1st read above and directed to pass appropriate orders pursuant to the explanation submitted by the applicant to the Govt.memo. 3rd read above.

3. The Director General of Prisons and Correctional Services, A.P., Hyderabad vide reference 6th read above has informed that Smt.Basheera Begum and Smt. T.Venkata Laxmi, Asst. Matrons were appointed by promotion by transfer as Jailor (Women) and they have reported to duty on 27-06-1997 and 27-12-1997 respectively and the two officers have to pass the requisite departmental tests within a period of two years from the date of their promotion. But they have passed the departmental tests on 19-5-2000 and 19-11-1999 respectively.

(P.T.O)

4. In this connection, Rule 16(h) & (f) (i) of A.P.State and Subordinate Service Rules, 1996 read as follows:

Rule-16(f)(i) : If within the period of probation a candidate fails to pass such tests or acquire such tests or acquire such qualifications as may be prescribed in these rules or in the special rules, the appointing authority shall, by order, discharge him from the service unless the period of probation is extended under the sub-rule(b) of Rule 17 and if within such extended period also, the candidate fails to pass such tests or acquire such special qualifications, the appointing authority shall discharge him from service".

Rule-16(h) : Change of date of commencement of probation:- Not with standing anything contained in the special rules or sub rules (a) and (b) of rule 33, a probationer who does not pass the prescribed tests or acquire the prescribed special qualifications within the period of probation or within the extended period of probation under rule 17 and whose probation is further extended by the Government by an order under Rule 31 till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced the probation with effect from the date to be fixed by the Government, which would be anterior to a date to his passing such tests or acquiring such special qualifications, so, however, that the interval between the two dates shall be equivalent to the prescribed period of probation, whether on duty or otherwise and seniority of such probationer shall be determined with reference to the date so fixed.

5. As per A.P.Jail Service Rules issued in G.O.Ms.No.316, Home (Prisons) Department dated 17-08-1996 the passing of Departmental tests is a precondition for appointment by transfer of Asst. Matrons as Jailer. But as per second proviso under Rule-5 of said rules, the persons appointed prior to 17-08-1996 shall pass the Departmental tests within a period of probation if not already passed. Though Smt Basheera Begum was appointed by transfer as Jailer (women) on 27-06-1997, she passed Departmental tests on 27-07-2000, where as Smt T.Venkata Lakshmi was appointed by transfer as Jailer (Women) on 27-12-1997 and she passed Departmental tests on 27-01-2000 i.e. prior to Smt Basheera Begum.

6. The passing of departmental test is pre-conditional one to declare the probation in the cadre of Jailer (Women). The contention of Smt Basheera Begum, former Jailer (Women) and presently Deputy Superintendent of Jails, Special Prison for Women, Hyderabad, not to extend the period of probation and also to retain the original seniority deserves no consideration. The fixation of commencement of probation period is in the interest of employees for the purpose of passing the Departmental Tests to preclude them from discharging from service. The applicant cannot have both i.e.delayed in passing of Departmental Tests and at the same time retaining the

seniority. Those who passed the tests and those who failed to pass the tests within the prescribed period cannot be equalized. Those failed to pass the Departmental Tests within the prescribed period have to forego their seniority. Therefore, the Government in exercise of the powers conferred under Rule 31 of the A.P.State and Subordinate Service Rules, 1996, their period of probation has been extended upto 27-07-1999 and 26-01-1999 respectively, as per Rule 16 (h) of A.P.State and Subordinate Service Rules, 1996, vide G.O.Ms.No.184, Home (Prisons.A) Department, dated 05-07-2003.

7. However, in view of the Hon'ble Tribunal Orders vide references 2nd and 7th read above and after due consideration of the explanation submitted by Smt. Basheera Begum vide reference 4th read above, the Government hereby refix the dates for commencement and extension of probation in respect of Smt. Basheera Begum and Smt. T.Venkata Lakshmi as under:

Sl. No.	Name of the Jailor (Women)	Period of probation extended upto	Deemed date of commencement of probation
1	Smt T.Venkata Lakshmi	27-01-2000	26-01-1999
2	Smt Basheera Begum	27-07-2000	26-07-1999

8. The Director General of Prisons and Correctional Services, A.P., Hyderabad, is requested to take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.CHAYA RATAN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services, A.P.,
Hyderabad.
Copy to the individuals through Director General of Prisons and
Correctional Services, A.P., Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER